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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/623,294      | 07/18/2003  | M. Steve Lessley     | 14120               | 4116             |

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EXAMINER

LAMB, BRENDA A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1734

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/623,294

**Applicant(s)**

LESSLEY ET AL.

**Examiner**

Brenda A. Lamb

**Art Unit**

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14,17-27,29-31,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17,22-26 and 34 is/are allowed.
- 6) ☒ Claim(s) 14,18-21,27,29-31 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14, 18-21 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the recitation in claims 14 and 33 that the strand axial orientation aligning member aligns the strand about "its axis" further limits the claim since the strand inherently has an axis about which it is always aligned. Note, if the term "its axis" is referring to the axis of the strand axial orientation aligning member in claim 14 then it is unclear how the axis of the aligning member can be transverse to direction in which strand is drawn past the dispensing device yet in a cooperative relationship with the strand so as to provide alignment therewith.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 27 and 29-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The originally filed specification fails to teach or suggest that the bottom of the module is non-parallel to the end of the module. Note the recitation the bottom of the module is non-parallel to the end of the module reads on the wide variety of

relationships between bottom of the module and end of the module such as one wherein the end or end surface of the module forms an acute angle with the bottom of the module.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Louch et al.

Louch et al teaches as shown in his figure a strand coating system which is comprised of the following elements: an adhesive dispensing device having an adhesive dispensing orifice (elements 27 or 28); a strand guide member (element 31 or 32) which guides the strand past the fluid dispensing orifice (elements 27 or 28); pin 34 or 35 with traverse gaps of sufficient width to permit engagement and passage of the strand there

through, the pin 34 or 35 is located between the strand guide member 30 and the fluid dispensing orifice (elements 34 or 35) such that the strand is drawn from the strand guide member over the fluid dispensing orifice is engaged with the strand orienting pin.

Louch et al traverse gaps within pins 34 or 35 as depicted in the drawing are substantially aligned with the adhesive dispensing orifices thereby obviously acting as a further aligning means for aligning the strand relative to the adhesive dispensing orifice. The Louch et al shows the strand axial-orientation alignment member is a pin having an axis extending substantially transverse to a direction in which a strand is drawn past the adhesive dispensing device and the strand axial orientation aligning member aligns the strand about its axis. It is suggested that applicant define claim 14 over Louch et al by amending claim 14 as follows: at line 10 of claim 14 after "extending substantially transverse to a" delete "direction in which a strand is drawn" and insert -- the plane of travel of the strand --. Thus claim 14 is obvious over Louch et al. With respect to claims 20-21, Louch et al shows in his figure the strand guide member include a strand guide roller 31 not aligned with the adhesive dispensing orifice and strand axial orientation aligning member. Louch et al shows the pin include a recessed area or transverse gaps. With respect to claims 18-19, Louch et al shows the strand guide member (element 31 or 32) is coupled or fixedly mounted to the stationary support or support module (not shown but taught at column 3 lines 40-43). Louch et al strand guide member is adjustably coupled to the stationary support or support module via adjustable mounting means 29 (see column 5 lines 42-47).

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCall 4,984,440 in view of Louch et al.

McCall claims a strand coating system comprising: an adhesive dispensing device having an adhesive dispensing orifice 34; a strand axial orientation aligning member (32a, 32b) coupled to the adhesive dispensing device stand axial orientation aligning member positioned in substantial alignment with the adhesive dispensing orifice and the strand axial orientation aligning member aligns the strand about its axis, the adhesive dispensing device includes an adhesive dispensing nozzle apparatus and the strand axial orientation aligning member coupled to a module. McCall fails to claim the strand coating system includes a strand guide member. However, it would have been obvious to modify the McCall claims a strand coating system includes a strand guide member such that the strand axial orientation aligning member is disposed between strand guide member and the adhesive dispensing orifice since Louch et al shows a strand guide member upstream of an adhesive dispensing device having an adhesive dispensing orifice and strand axial orientation aligning member for the taught of facilitating alignment of the strand with the adhesive dispensing device.

Applicant's arguments filed 5/17/2006 have been fully considered but they are not persuasive.

Applicant's argument that his invention defines over the art of record in that the strand axial orientation aligning member aligns the strand about its axis is found to be non-persuasive since both McCall and Louch et al strand inherently has an axis about

which it is always aligned via strand axial orientation aligning member as set forth in its respective drawings.

Applicant's argument that Figures 2-4 and 8 clearly show that the bottom of the module is non-parallel to the end of the module is found to be non-persuasive. The examiner maintains that the recitation that the bottom of the module is non-parallel to the end of the module reads on the wide variety of relationships between bottom of the module and end of the module such as one wherein the end or end surface of the module forms an acute angle with the bottom of the module which is not shown by the drawings.

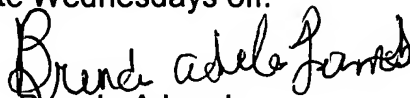
Claims 17, 22-26 and 34 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 1734

Any inquiry concerning this communication should be directed to Brenda A. Lamb at telephone number (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday with alternate Wednesdays off.

A handwritten signature in cursive script that reads "Brenda A. Lamb".

Brenda A Lamb  
Examiner  
Art Unit 1734